

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

ANCESTRY.COM OPERATIONS INC.,	:	
ANCESTRY.COM DNA, LLC,	:	
	:	
Plaintiffs,	:	
	:	Civil Action No. 1:15-cv-00737-SSB-SKB
v.	:	
	:	
DNA DIAGNOSTIC CENTER, INC.,	:	
	:	
Defendant.	:	

**PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME TO FILE A MOTION TO
AMEND THE PLEADINGS AND/OR ADD PARTIES**

Introduction

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Plaintiffs Ancestry.com Operations Inc. and Ancestry.com DNA, LLC (collectively, "Ancestry") respectfully request a limited one week extension of time to file a motion to amend the pleadings and/or add parties. The current deadline is November 1, 2016. Ancestry seeks a one week extension so that Ancestry may conclude its negotiations with potential defendants Groupon, Inc. ("Groupon") and LivingSocial, Inc. ("LivingSocial"). Good cause exists for granting this motion because Ancestry is extremely close to reaching agreements with both Groupon and LivingSocial, but requires a few more days due to unanticipated delays. The interests of judicial economy favor resolving potential claims and discovery disputes with third parties. If granted, the new deadline to amend the pleadings and/or add parties would be November 8, 2016.

Despite Ancestry's repeated good faith attempts to reach DDC's counsel to obtain their consent to a one week extension, DDC's counsel refused to respond. Pursuant to S.D. Ohio Civ. R. 7.3(a), Ancestry's counsel emailed DDC's counsel on Sunday, October 30th, and also left two

messages with two different DDC attorneys on Monday, October 31st, but never received a response.

**The Court Should Extend the Deadline to
Amend the Pleadings and Add Parties by One Week**

Good cause exists to extend the deadline because Ancestry is extremely close to reaching a final resolution to its outstanding disputes with Groupon and LivingSocial. The current deadline to amend the pleadings and/or add parties is November 1, 2016. *See* Case Docket, Minute Entry for Proceedings before Magistrate Judge Bowman on August 31, 2016. This deadline has only been extended one time, as it was originally set for September 1, 2016. *See* ECF No. 63. Ancestry anticipated resolving these issues prior to the current deadline, but on October 26, 2016, Ancestry learned that Groupon intends to acquire LivingSocial. The result was unanticipated delays in the parties' negotiations.

Ancestry now respectfully requests a one week extension, until November 8, 2016, to file a motion to amend the pleadings and/or add parties, so that Ancestry can try to finally resolve the minor remaining issues with Groupon and LivingSocial. This extension is not sought to delay the proceedings or for any other improper purposes. Granting the motion will instead serve the interests of judicial economy by obviating the need to add Groupon and LivingSocial as parties. Accordingly, Ancestry requests that the Court grant a one week extension of the deadline to move for leave to amend the pleadings and/or add parties until November 8, 2016.

Finally, the granting of Ancestry's instant motion will not prejudice DDC. In addition to only extending the current deadline by one week, the Court has already agreed to extend, on October 26, 2016, the discovery deadline to February 13, 2017.

Extending the current deadline by one week will not materially affect the case schedule or the parties' ability to prosecute the case.

Respectfully submitted,

s/Jordan A. LaVine/

By:

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October 31, 2016

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANCESTRY.COM OPERATIONS INC., :
ANCESTRY.COM DNA, LLC, :
 :
Plaintiffs, :
 : Civil Action No. 1:15-cv-00737-SSB-SKB
v. :
 : Judge Sandra S. Beckwith
DNA DIAGNOSTIC CENTER, INC., :
 : Magistrate Judge Stephanie K. Bowman
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2016, I electronically filed the Plaintiffs' Motion for an Extension of Time to File a Motion to Amend the Pleadings and/or Add Parties with the Clerk of Court using the CM/ECF System and electronically served a copy of the same on counsel for Defendant pursuant to L. Civ. R. 5.2(b).

/s/ Alexis Arena
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Dated: October 31, 2016